

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

299798

DATE OF REPORT (DAY-MO.-YEAR)

09SEPT04C

04NOV04T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
ATTENTION [x] ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
[] ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME WILMOUTH, John			RANK Inv	STAR NO. 256	SOCIAL SEC. NO. XXX-XX-XXXX	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 113	
ADDRESS OF INCIDENT 25 [REDACTED] S. Kedzie – on the street			DATE OF INCIDENT - TIME 31 July 2004 2100		BEAT OF INCIDENT 1033	LOCATION CODE* 17		
ACCUSED	NAME 1. RODRIGUEZ, Harold			RANK PO	STAR NO. 14532	SOCIAL SEC.NO. XXX-XX-XXXX	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 010
	2. RAMIREZ, Luis			PO	18679	XXX-XX-XXXX	[REDACTED]	010
	SEX/RACE 1. M/H	D.O.B. [REDACTED] 1967	DATE OF APPOINTMENT 31 May 1994		DUTY STATUS (TIME OF INCIDENT) [x] ON DUTY		[x] SWORN [] CIVILIAN	PHYS. COND. CODE 01
	2 M/H	[REDACTED] 1975	27 Aug 2001		[x] ON DUTY		[x] SWORN [] CIVILIAN	01
IF APPLICABLE - DATE ARRESTED/INDICATED 1.		CHARGES			COURT BRANCH	DISPOSITION & DATE		
2								
COMPLAINANTS	NAME [REDACTED]		ADDRESS**	CITY STATE	TELEPHONE [REDACTED]	SEX/RACE M/W	D.O.B./AGE [REDACTED] 69	PHYS. COND. CODE 05
VICTIMS	NAME		ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
WITNESSES	NAME		ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE

[x] SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS	On 05 August 2004, at 1315 hours, the complainant, [REDACTED] telephoned the Office of Professional Standards and registered this complaint with Intake Aide, Lisa Tousant, [REDACTED], Unit 113. The complaint alleges that on 31 July 2004, at 2100 hours, while in the vicinity of 25 [REDACTED] S. Kedzie, while on-duty, PO Harold Rodriguez, #14532, Unit 010 : (1) handcuffed [REDACTED] too tightly; PO Luis Ramirez, #18679, Unit 010 : (1) grabbed [REDACTED] by the legs and pulled him from the squad car; and PO Aaron Cunningham, #15522, Unit 010 : (1) pushed [REDACTED] into a squad car.				
-------------	---	--	--	--	--

I.A.D. LOCATION CODES*

- 01 Food Sales/Restaurant
- 02 Tavern/Liquor Store
- 03 Other Business Establishment
- 04 Police Building
- 05 Lockup Facility
- 06 Police Maintenance Facility
- 07 CPD Automotive Pound Facility
- 08 Other Police Property
- 09 Police Communications System
- 10 Court Room

- 11 Public Transportation Veh./Facility
- 12 Park District Property
- 13 Airport
- 14 Public Property - Other
- 15 Other Private Premise
- 16 Expressway/Interstate System
- 17 Public Way - Other
- 18 Waterway, Incl. Park District
- 19 Private Residence

I.A.D. PHYSICAL CONDITION CODES

- 01 No Visible Injury - Apparently Normal
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

This incident involves allegations of excessive force during the course of the arrest of complainant, [REDACTED]

The following investigative steps were taken:

Complainant, [REDACTED] stated in an in-person interview that four male uniformed officers approached him on the street and took his semi-automatic revolver from its holster. One of the officers was white and three were Hispanic. Two of the officers, who [REDACTED] could not identify, handcuffed [REDACTED] too tightly, causing him pain. [REDACTED] asked to have the handcuffs loosened, but no one loosened them until an officer, whose nametag read "H. Rodriguez," loosened them fifteen minutes later. One of the officers, now known as PO Cunningham, pushed [REDACTED] into the squad car, causing him to fall backward on his handcuffs. PO Cunningham and his partner, now known as PO Ramirez, transported [REDACTED] to the 010th District station. PO Ramirez grabbed both of [REDACTED] legs, pulled him to the door jam, then grabbed his arms and pulled him from the car causing [REDACTED] head, arms and fingers to scrape against the door and door jam. (Att. 4)

During an in-person interview with [REDACTED] on 6 August 2004, OPS Inv. Grace Wilson, #257, observed a reddened blotch under [REDACTED] lower lip, a tiny, healed scratch on his left thumb, and a healed scratch on his right wrist. (Att. 3)

The General Offense Report, Arrest Report, and Firearm Recovery Report for [REDACTED] show that he was charged with Unlawful Possession: Handgun and was arrested by Officers A. Cunningham, #15522, L. Ramirez, #18679, H. Rodriguez, #14532, and J. Rodriguez, #7781. (Att. 9 & 10)

[REDACTED] show that [REDACTED] was brought in to take ulcer medication and denied any pain. No skin lacerations, redness, swelling, or rashes were noted on the "Review of Symptoms" section of the reports. (Att. 24)

ATTACHMENT	INVESTIGATIVE REPORTS-SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS-SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
	1, 3, 4	24, 26, 30, 34, 38		39

FINDINGS - RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS

Accused #1: Officer Harold Rodriguez, #14532, Unit 010
Allegations #1: NOT SUSTAINED

Accused #2: Officer Luis Ramirez, #18679, Unit 010
Allegations #1: NOT SUSTAINED

Accused #3: Officer Aaron Cunningham, #15522, Unit 010
Allegations #1: NOT SUSTAINED

Approved:

OPS Supervisor
Summary prepared by Inv. Seiden #227

C.R. NO. 299798

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION) 11 August 04	DATE COMPLETED (DATE OF THIS REPORT) 09 September 2004	ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS) 29
--	---	--

Investigator will initiate the Command Channel Review for by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE [REDACTED]

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

ACCUSED (continued)

3) CUNNINGHAM, Aaron, P/O, #15522, xxx-xx-xxxx, [REDACTED], 010, M/W, [REDACTED] 1967, 29 June 1998,
On-duty, Sworn, 01

SUMMARY (continued)

In a To/From/Subject report, witness Officer J. Rodriguez, #7781, Unit 010, stated that we witnessed his partner, PO H. Rodriguez handcuff [REDACTED] but did not hear [REDACTED] complain that the handcuffs were too tight. PO J. Rodriguez did not witness PO Cunningham place [REDACTED] into his squad car nor did he witness [REDACTED] exit from the squad car at the station. (Att. 26)

In a To/From/Subject report, PO Cunningham denied that [REDACTED] complained that his handcuffs were too tight. He further denied that he or any other officer pushed or pulled [REDACTED] at any time. (Att. 30)

In a To/From/Subject report, PO Ramirez denied that [REDACTED] complained that his handcuffs were too tight and denied pulling [REDACTED] out of a squad car. He further stated that he checked [REDACTED] handcuffs for comfort. PO Ramirez denied witnessing PO Cunningham push [REDACTED] (Att. 34)

In a To/From/Subject report, PO H. Rodriguez stated that he did not recall placing [REDACTED] in handcuffs. He further denied that [REDACTED] complained that his handcuffs were too tight. PO H. Rodriguez did not witness any officer push or mistreat [REDACTED] (Att. 38)

CONCLUSION:

Officer Harold Rodriguez, Allegation #1: Unfounded – there is no evidence to support this allegation. Further, Officer Rodriguez denies handcuffing Kiswani.

Officer Luis Ramirez, Allegation #1: Not Sustained – insufficient evidence exists to confirm or deny the allegations.

Officer Aaron Cunningham, Allegation #1: Not Sustained – insufficient evidence exists to confirm or deny the allegations.